

AMENDED IN SENATE AUGUST 22, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1182**

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**Introduced by Assembly Member Roger Hernández**  
*(Coauthors: Assembly Members Achadjian, Blumenfield, and Lara)*

February 18, 2011

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An act to amend Sections 11155, 11155.1, and 11257 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1182, as amended, Roger Hernández. CalWORKs eligibility: asset limits: vehicles.

Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. Existing law imposes limits on the amount of income and personal and real property an individual or family may possess in order to be eligible for aid under the CalWORKs program, including specifying the allowable value of a licensed vehicle retained by an applicant for, or recipient of, that aid.

This bill would delete existing requirements for assessing the value of a motor vehicle for purposes of CalWORKs program eligibility. The bill would exclude the value of a licensed motor vehicle from consideration when determining or redetermining CalWORKs eligibility.

By increasing the duties of counties administering the CalWORKs program, this bill would impose a state-mandated local program.

Existing law continually appropriates money from the General Fund to pay for a share of aid grant costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of the bill pursuant to the provision continuously appropriating funds for the CalWORKs program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11155 of the Welfare and Institutions  
2 Code is amended to read:

3 11155. (a) Notwithstanding Section 11257, in addition to the  
4 personal property or resources permitted by other provisions of  
5 this part, and to the extent permitted by federal law, an applicant  
6 or recipient for aid under this chapter, including an applicant or  
7 recipient under Chapter 2 (commencing with Section 11200), may  
8 retain countable resources in an amount equal to the amount  
9 permitted under federal law for qualification for nutrition  
10 assistance.

11 (b) The county shall determine the value of exempt personal  
12 property other than motor vehicles in conformance with methods  
13 established under CalFresh.

14 (c) The value of a licensed motor vehicle shall be excluded from  
15 consideration as property when determining and redetermining  
16 eligibility for applicants and recipients.

17 SEC. 2. Section 11155.1 of the Welfare and Institutions Code  
18 is amended to read:

19 11155.1. (a) Notwithstanding Sections 11155 and 11257, the  
20 department shall seek any federal approvals necessary to conduct  
21 a demonstration program increasing the value of personal property

1 that may be retained by a recipient of aid under Chapter 2  
2 (commencing with Section 11200) to two thousand dollars  
3 (\$2,000). The increased property limit shall not apply to applicants.

4 (b) This section shall be implemented only if the director  
5 executes a declaration, that shall be retained by the director, stating  
6 that federal approval for the implementation of this section has  
7 been obtained and specifying the duration of that approval.

8 SEC. 3. Section 11257 of the Welfare and Institutions Code,  
9 as amended by Section 1 of Chapter 569 of the Statutes of 1984,  
10 is amended to read:

11 11257. (a) No aid under this chapter shall be granted or paid  
12 for any child who has real or personal property, the combined  
13 market value reduced by any obligations or debts with respect to  
14 this property of which exceeds one thousand dollars (\$1,000), or  
15 for any child or children in one family who have, or whose parents  
16 have, or the child or children and parents have, real and personal  
17 property the combined market value reduced by any obligations  
18 or debts with respect to this property which exceeds one thousand  
19 dollars (\$1,000).

20 For purposes of this subdivision, real and personal property shall  
21 be considered both when actually available and when the applicant  
22 or recipient has a legal interest in a liquidated sum and has the  
23 legal ability to make that sum available for support and  
24 maintenance.

25 (b) Notwithstanding subdivision (a) above, an applicant or  
26 recipient may retain the following:

27 (1) Personal or real property owned by him or her, or in  
28 combination with any other person, without reference to its value,  
29 if it serves to provide the applicant or recipient with a home. If the  
30 basic home is a unit in a multiple dwelling, then only that unit  
31 shall be exempt.

32 For the purposes of paragraph (1), if an applicant has entered  
33 into a marital separation for the purpose of trial or legal separation  
34 or dissolution, real property which was the usual home of the  
35 applicant shall be exempt for three months following the end of  
36 the month in which aid begins. If the recipient was receiving aid  
37 when the marital separation occurred, the period of exemption  
38 shall be three months following the end of the month in which the  
39 separation occurs. To remain exempt following this three-month  
40 period, the home must be occupied by the recipient, or be

1 ~~unavailable for use, control, and possession due to legal~~  
2 ~~proceedings affecting a property settlement or sale of the property.~~

3 ~~(2) In addition to the foregoing, the director may at his or her~~  
4 ~~discretion, and to the extent permitted by federal law, exempt other~~  
5 ~~items of personal property not exempted under this section.~~

6 ~~SEC. 4.~~

7 *SEC. 3.* Section 11257 of the Welfare and Institutions Code,  
8 as amended by Section 28 of Chapter 1022 of the Statutes of 2002,  
9 is amended to read:

10 11257. (a) To the extent not inconsistent with Sections  
11 11265.1, 11265.2, 11265.3, and 11004.1, no aid under this chapter  
12 shall be granted or paid for any child who has real or personal  
13 property, the combined market value reduced by any obligations  
14 or debts with respect to this property of which exceeds one  
15 thousand dollars (\$1,000), or for any child or children in one family  
16 who have, or whose parents have, or the child or children and  
17 parents have, real and personal property the combined market  
18 value reduced by any obligations or debts with respect to this  
19 property which exceeds one thousand dollars (\$1,000).

20 For purposes of this subdivision, real and personal property shall  
21 be considered both when actually available and when the applicant  
22 or recipient has a legal interest in a liquidated sum and has the  
23 legal ability to make that sum available for support and  
24 maintenance.

25 (b) Notwithstanding subdivision (a) above, an applicant or  
26 recipient may retain the following:

27 (1) Personal or real property owned by him or her, or in  
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30 basic home is a unit in a multiple dwelling, then only that unit  
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33 into a marital separation for the purpose of trial or legal separation  
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36 the month in which aid begins. If the recipient was receiving aid  
37 when the marital separation occurred, the period of exemption  
38 shall be three months following the end of the month in which the  
39 separation occurs. To remain exempt following this three-month  
40 period, the home must be occupied by the recipient, or be

1 unavailable for use, control, and possession due to legal  
2 proceedings affecting a property settlement or sale of the property.

3 (2) In addition to the foregoing, the director may at his or her  
4 discretion, and to the extent permitted by federal law, exempt other  
5 items of personal property not exempted under this section.

6 ~~SEC. 5.~~

7 *SEC. 4.* No appropriation pursuant to Section 15200 of the  
8 Welfare and Institutions Code shall be made for the purposes of  
9 this act.

10 ~~SEC. 6.~~

11 *SEC. 5.* If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.